@#@#@#@#@#@#@

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :28317 of 2007

DATED:28-12-2007

Between:

Paul Raj Engineering College, rep.by its Secretary and Correspondent S.Srinivasa Rao

..... PETITIONER

AND

1 Project Officer and Additional Agent to Government Integrated Tribal Development Agency Bhadrachalam, Khammam District and 3 others.

.....RESPONDENTS

@#@#@#@#@#@#@

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

This writ petition is filed seeking directions by way of mandamus to declare the action of the appellate authority under the provisions of A.P. Scheduled Areas Land Transfer Regulation 1 of 1959 (for brevity 'the Regulation') in not disposing of the

appeal/stay petition which was filed against the order of eviction dated 03-08-2007 in L.T.R.Case No.10/BCM/2007 passed by the second respondent-Agency Divisional Officer and Sub-Collector, Bhadrachalam, as illegal and arbitrary.

The petitioner claims ownership and possession over an extent of Ac.0.30 cents of land covered by Sy.No.59/41 of Bhadrachalam Village and Mandal in Khammam District. He submitted that the said piece of land is in possession of the petitioner from the year 1955. The primary authority, i.e., Agency Divisional Officer and Sub-Collector, Bhadrachalam, in exercise of powers under Section 3 2(a) of the Regulation, ordered eviction of the petitioner to take the land into Government custody and to assign the same to eligible tribals.

As against the order of eviction passed by the Agency Divisional Officer it is stated that an appeal is preferred by the petitioner on 24-10-2007 along with an application for interim orders. It is the grievance of the petitioner that the appellate authority is not considering neither the application for interim orders nor the appeal. But on the other hand, the respondents are taking steps for eviction of the petitioner from the petition schedule land.

Prima-facie, it appears that there is no reason for the

appellate authority in not considering and passing orders on the application of the petitioner for interim orders. Since it claims that the petitioner is in possession of the petition schedule land right from the year 1955 and as he has already filed appeal which is a substantive remedy available under the Regulation itself, I dispose of the writ petition directing the first respondent appellate authority to dispose of the appeal as expeditiously as possible. It is further directed that the respondents shall not take any steps for eviction of the petitioner pursuant to order of eviction dated 03-08-2007 in L.T.R.Case No.10/BCM/2007 passed by the second respondent-Agency Divisional Officer and Sub-Collector, Bhadrachalam, till disposal of the appeal.

Subject to above directions, the writ petition is disposed of at the stage of admission. No order as to costs.

_____

28th December, 2007

NOTE:

Furnish C.C. by two days.
B/o.
SKM